

Section

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PATENT  
Attorney Docket No.: DIVER1140-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jay M. Short

Application No.: 09/375,605

Filed: August 17, 1999

For: PRODUCTION OF ENZYMES HAVING  
DESIRED ACTIVITIES BY  
MUTAGENESIS (As Amended)

) Group Art Unit: 1652

) Examiner: Unassigned

) CERTIFICATION UNDER 37 CFR § 1.8

) I hereby certify that the documents referred to as  
) enclosed herein are being deposited with the United  
) States Postal Service as first class mail on this date  
) **December 17, 1999**, in an envelope addressed to:  
) Assistant Commissioner for Patents, Washington, D.C.  
) 20231

) Elizabeth Perez  
) (Name of person mailing paper)

) E Perez 12/17/99  
) Signature Date

Box Missing Parts  
Assistant Commissioner of Patents  
Washington, D.C. 20231

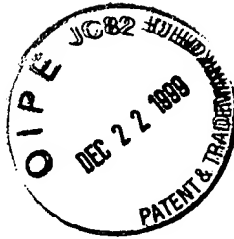
**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Application mailed September 7, 1999,  
enclosed are:

1. A copy of the Notice to File Missing Parts of Application;
2. An executed Declaration for Patent Application;
3. An executed Power of Attorney by Assignee; and
4. Petition for Extension of Time (2 months).

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The filing fee has been calculated as shown below:

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Other Entity		Small Entity	Other Entity
Total Claims		=		X	\$09	\$18	=	\$ .00	\$ .00
Independent Claims		=		X	\$39	\$78	=	\$ .00	\$ .00
Multiple Dependent Claims Presented: ___ Yes <u>X</u> No					\$130	\$260			0
					BASIC FEE			\$380.00	\$760.00
					TOTAL FEE			\$ .00	\$

X The Commissioner is hereby authorized to charge payment of the TOTAL FEE of \$445.00 :\$65.00 the surcharge fee for missing parts of the application, and \$380.00 for the two-month Extension of Time, or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17.

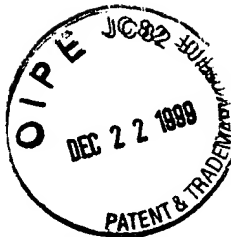
Respectfully submitted,

Date:

12/17/99

Lisa A. Haile, Ph.D.  
 Registration No. 38,347  
 Telephone: (858) 677-1456  
 Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
 4365 Executive Drive, Suite 1600  
 San Diego, California 92121-2189



PATENT  
Attorney Docket No.: DIVER1140-2

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) Date

*Elizabeth Perez*  
*E Perez* 12/17/99

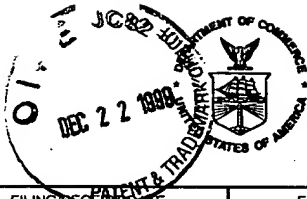
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Assistant Commissioner of Patents  
Washington, D.C. 20231

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2. An executed Declaration for Patent Application;
3. An executed Power of Attorney by Assignee; and
4. Petition for Extension of Time (2 months).



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/375,605 09/17/99 SHORT

DIVER1140

DIVER1140-2

0212/0907

RECEIVED

SEP 13 1999

NOT ASSIGNED

GRAYCARY/GT PATENT

1652

DATE MAILED:

09/07/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 65.00.

- ☐ 1. The statutory basic filing fee is:
- ☐ missing.
  - ☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing or unsigned.

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER: \_\_\_\_\_

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

*M. Bate*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**BEST AVAILABLE COPY**